

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2004-44-C - ORDER NO. 2004-488  
OCTOBER 12, 2004

IN RE: Petition of Level 3 Communications LLC for ) ORDER  
Arbitration of an Interconnection Agreement ) GRANTING  
Between BellSouth Telecommunications, Inc. ) EXTENSION  
)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of Level 3 Communications LLC (Level 3 or the Company) for a waiver of the Commission's usual procedures relating to time restrictions. Citing 26 S.C. Ann Code Regs. 103-601(3) and 103-803, Level 3 requests a procedural Order that (1) provides a limited exception to the Commission's usual practice regarding the nine-month timeframe for deciding arbitration matters; and (2) establishes a schedule that allows for the Commission to resolve any unresolved issues in the arbitration proceeding no later than September 7, 2004. Level 3 alleges that such an extension would be entirely consistent with South Carolina law which allows the parties to extend the arbitration timeframe by agreement and provides that the Commission must resolve all issues within nine months of the filing of the petition for arbitration. Level 3 cites S.C. Code Ann. Section 58-9-280(D)(1976, as amended) in support of its Motion. The extension would be a three-month extension of the usual timeframes, and, according to Level 3, would be consistent with the practice of various State commissions throughout the country.

Level 3 also cites several “special circumstances.” First, the Commission has several lengthy and complex hearings already scheduled. Second, Level 3 states that, although the timeframe for resolving issues is set forth in the Federal 1996 Telecommunications Act, the Commission is authorized to extend the time with the agreement of the parties.

The Commission has considered Level 3’s Motion, and grants the waiver from the Commission’s usual practice of strictly adhering to the 9 month timeframe for deciding arbitration matters. The timeframe shall be extended and shall be 9 months from the filing of the Petition as set forth in S.C. Code Ann. Section 58-9-280(D). This shall be a one-time extension being granted in light of the following special circumstances: the reconstitution of the Commission following the March 3 elections and the number of lengthy and complex cases already pending hearing and decision scheduled from the date of the directive until the first part of June, such as the Chem-Nuclear proceeding, the Universal Service Fund proceeding, the TRO proceedings, and the Wireline to Wireless Number Portability matter.

Further, the Staff shall bring this matter back to the Commission to establish the actual scheduling dates consistent with this Motion.

(SEAL)